

REMARKS

In the Office Action, the Examiner rejected claims 1-92. Applicant requests reconsideration of claims 1-92 in view of the following remarks.

Rejections Under 35 U.S.C. § 112

The Examiner rejected claim 14 under 35 U.S.C. § 112 for insufficient antecedent basis. Specifically, the Examiner stated, “Claim 14 recites the limitation ‘the first hub’ in line 15-16 of claim 14. There is insufficient antecedent basis for this limitation in the claim.” Office Action, page 2. By the present response, Applicants amend claim 14 as set forth above to address this apparent lack of antecedent basis.

Rejections Under 35 U.S.C. § 103

The Examiner rejected claims 1-92 under 35 U.S.C. § 103(a) as being unpatentable over Hawkins et al. (U.S. Pat. No. 6,006,274), in view of Sheth et al. (U.S. Pub. No. 2002/0194502).

Removal of the Sheth et al. Reference under 37 C.F.R. § 1.131

The Examiner rejected claims 1-92 as unpatentable over Hawkins et al. in view of Sheth et al. In view of the earlier date of invention of the subject matter disclosed and claimed in the present application, Applicants elect to remove the Sheth et al. reference pursuant to 37 C.F.R. § 1.131.

Under Rule 131, Applicants may overcome a prior art rejection by filing an appropriate declaration that establishes invention of the claimed subject matter by Applicants prior to the effective date of the reference relied upon in the rejection. Prior invention may be shown by proving conception of the invention prior to the effective date of the reference coupled with

reasonable diligence from prior to the effective date of the reference to a subsequent reduction to practice or to the filing of the application. To establish conception, the declaration must “establish possession of either the whole invention claimed or something falling within the claim[s].” M.P.E.P. § 715.02. Due diligence may be shown by “evidence of activity aimed at reducing the invention to practice, either actually or constructively.” *English v. Ausnit*, 38 USPQ 2d 1625 (Bd. of Pat. App. & Inter. 1993). This evidence does not have to show daily activity, but only that in the light of all circumstances, the actions taken from date of conception to reduction to practice were necessary to reduce the invention to practice. *Hybridtech v. Abbott Laboratories*, 4 USPQ 2d 1001 (C.D. Cal. 1987).

Accordingly, Applicants submit the enclosed Rule 131 Declaration of Applicant Jeri L. Callaway pursuant to Rule 131 to demonstrate that the invention claimed in the present application was conceived prior to the effective date of the Sheth et al. reference. Further, Applicants also submit the enclosed Rule 131 Declaration of Michael G. Fletcher, Applicants’ legal representative, to demonstrate reasonable diligence in reducing the claimed subject matter to practice.

Applicants submit that the effective date of the Sheth et al. reference is June 15, 2001. In paragraph 2 of the attached Rule 131 Declaration executed by the Applicant, the Applicant declares that the subject matter disclosed and claimed in the above-referenced application was conceived prior to June 15, 2001. In support of this statement, Applicant submits Exhibit A to demonstrate conception of the claimed subject matter prior to June 15, 2001. Subject material relating to all independent claims can be found within Exhibit A.

Applicants also submit the Rule 131 Declaration of Michael G. Fletcher as further evidence of reasonable diligence in reducing the claimed subject matter to practice. As stated in the

declaration, outside counsel received the invention disclosure for the above-referenced patent application and related patent application (concurrently filed with the above-referenced application and assigned serial number 10/038,202) prior to June 15, 2001. Outside counsel began preparation of an initial draft of these applications prior to June 15, 2001 based on the invention disclosure and transmitted it to the client for review on July 6, 2001. Outside counsel then met with the applicants of these applications various times between August and December of 2001 to receive feedback used to revise the applications. On December 5, 2001, outside counsel finalized revisions to the above-referenced application. Outside counsel prepared formal filing papers on December 14, 2001 for the above-referenced application, the same date that revisions to the 10/038,202 application were finalized. After having the formal papers executed for both applications, outside counsel filed the applications simultaneously on December 21, 2001. Thus, it is respectfully submitted that the present invention was diligently reduced to practice in light of those efforts.

Applicants assert that these Rule 131 Declarations are sufficient to demonstrate conception of the claimed invention prior to June 15, 2001, coupled with reasonable diligence from prior to June 15, 2001 (the effective date of the Sheth et al. reference) until the filing of the above-referenced patent application on December 21, 2001. Accordingly, in view of the earlier conception and reasonable diligence from immediately before the effective date of the cited reference up until the filing of the above-referenced application, Applicants respectfully request that the Examiner remove the Sheth et al. reference from consideration and withdraw the rejection of claims 1-92 based on this reference.

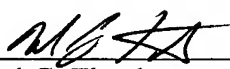
Conclusion

In view of the remarks set forth above, Applicant respectfully requests allowance of claims 1-92. If the Examiner believes that a telephonic interview will help speed this

application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

Date: July 20, 2005



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